

CALFEE, HALTER & GRISWOLD LLP



Attorney Docket No. 18894/04893

**DECLARATION
AND POWER OF ATTORNEY**

ORIGINAL APPLICATION

As a below named inventor, I/we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names

An original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TIRE STATUS DETECTION SYSTEM AND METHOD

the specification of which

- ☐ is attached hereto.
☒ was filed on April 12, 2004, as Application Serial No. 10/822,551.
☐ and was amended on _____
(if applicable)

We hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

We hereby claim the benefit of foreign priority under 35 USC 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Country	Application Number	Serial	Filing Date	Legal Status	Priority Claimed

We hereby claim the benefit of United States priority under 35 USC §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 USC 112, I acknowledge the duty to disclose information material to the patentability of this application as defined in 37 CFR 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial Number	Filing Date	Legal Status
09/584,230	May 31, 2000	
10/336,887	January 6, 2003	
10/412,632	April 11, 2003	
10/797,525	March 10, 2004	

We hereby claim the benefit of United States priority under 35 USC §119(e) of any United States application(s) listed below:

Application Serial Number	Filing Date	Legal Status
60/462,449	April 11, 2003	

We hereby appoint the following attorney(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

The Attorneys Associated with Customer No. 24024

Linda Nattler
Reg. No. 51,272

Direct all telephone calls to Sean T. Moorhead at telephone number (216) 622-8844 and faxes to (216) 241-0816.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: James Michael Giustino

Inventor's signature: *James Michael Giustino*

Date: September 22, 2004

Citizenship: US

Post Office Address: 8801 Ferngrove Court, Waxhaw, North Carolina 28173

Residence Address: 8801 Ferngrove Court, Waxhaw, North Carolina 28173

Full name of second inventor: Alan Roger Bichler

Inventor's signature: _____

Date: September ____, 2004

Citizenship: US

Post Office Address: 3324 Mountainbrook Road, Charlotte, North Carolina 28210

Residence Address: 3324 Mountainbrook Road, Charlotte, North Carolina 28210

Full name of third inventor: Marius Goslar

Inventor's signature: _____

Date: September ____, 2004

Citizenship: Germany

Post Office Address: Avda. De Leon 13b, 28804 Alcala De Henares (Madrid), Spain

Residence Address: Avda. De Leon 13b, 28804 Alcala De Henares (Madrid), Spain

Full name of fourth inventor: Robert Yen Liu

Inventor's signature: _____

Date: September ____, 2004

Citizenship: US

Post Office Address: 6614 Flat Creek Drive, Charlotte, North Carolina 28227

Residence Address: 6614 Flat Creek Drive, Charlotte, North Carolina 28227

Full name of fifth inventor: Thomas Becherer

Inventor's signature: _____

Date: September ____, 2004

Citizenship: US

Post Office Address: Amtsvogt-Schluerer-Web 6, 30938 Burgwedel, Germany

Residence Address: Amtsvogt-Schluerer-Web 6, 30938 Burgwedel, Germany



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Full name of first inventor: James Michael Giustino

Inventor's signature: _____

Date: September ____, 2004

Citizenship: US

Post Office Address: 8801 Ferngrove Court, Waxhaw, North Carolina 28173

Residence Address: 8801 Ferngrove Court, Waxhaw, North Carolina 28173

Full name of second inventor: Alan Roger Bichler

Inventor's signature: _____

Date: September ____, 2004

Citizenship: US

Post Office Address: 3324 Mountainbrook Road, Charlotte, North Carolina 28210

Residence Address: 3324 Mountainbrook Road, Charlotte, North Carolina 28210

Full name of third inventor: Marius Goslar

Inventor's signature: Marius Goslar

Date: September 10, 2004

Citizenship: Germany

Post Office Address: Avda. De Leon 13b, 28804 Alcala De Henares (Madrid), Spain

Residence Address: Avda. De Leon 13b, 28804 Alcala De Henares (Madrid), Spain

Full name of fourth inventor: Robert Yen Liu

Inventor's signature: Robert Yen Liu

Date: September 15, 2004

Citizenship: US

Post Office Address: 6614 Flat Creek Drive, Charlotte, North Carolina 28227

Residence Address: 6614 Flat Creek Drive, Charlotte, North Carolina 28227

Full name of fifth inventor: Thomas Becherer

Inventor's signature: _____

Date: September ____, 2004

Citizenship: US

Post Office Address: Amtsvogt-Schlueter-Web 6, 30938 Burgwedel, Germany

Residence Address: Amtsvogt-Schlueter-Web 6, 30938 Burgwedel, Germany

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Full name of first inventor: James Michael Giustino

Inventor's signature: _____

Date: September ____, 2004

Citizenship: US

Post Office Address: 8801 Ferngrove Court, Waxhaw, North Carolina 28173

Residence Address: 8801 Ferngrove Court, Waxhaw, North Carolina 28173

Full name of second inventor: Alan Roger Bichler

Inventor's signature: _____

Date: September ____, 2004

Citizenship: US

Post Office Address: 3324 Mountainbrook Road, Charlotte, North Carolina 28210

Residence Address: 3324 Mountainbrook Road, Charlotte, North Carolina 28210

Full name of third inventor: Marius Goslar

Inventor's signature: _____

Date: September ____, 2004

Citizenship: Germany

Post Office Address: Avda. De Leon 13b, 28804 Alcala De Henares (Madrid), Spain

Residence Address: Avda. De Leon 13b, 28804 Alcala De Henares (Madrid), Spain

Full name of fourth inventor: Robert Yen Liu

Inventor's signature: _____

Date: September ____, 2004

Citizenship: US

Post Office Address: 6614 Flat Creek Drive, Charlotte, North Carolina 28227

Residence Address: 6614 Flat Creek Drive, Charlotte, North Carolina 28227

Full name of fifth inventor: Thomas Becherer

Inventor's signature: Thomas Becherer

Date: ~~September~~ ____, 2004 October 1, 2004

Citizenship: ~~US~~ GERMANY

Post Office Address: Amtsvogt-Schlueter-Web 6, 30938 Burgwedel, Germany

Residence Address: Amtsvogt-Schlueter-Web 6, 30938 Burgwedel, Germany

APOSTILLE

(Convention de la Haye du 5 octobre 1961)

1. Land: Bundesrepublik Deutschland

Diese öffentliche Urkunde

2. ist unterschrieben von Horst Wetzel

in Hannover

3. in seiner Eigenschaft als Notar.

4. Sie ist versehen mit dem Dienstsiegel des Notars

Horst Wetzel.

Bestätigt

5. in Hannover

6. am 04. Oktober 2004

7. durch den Präsidenten des Landgerichts in Hannover

8. unter Nr. 91 a E 2 - 1202/04

9. Stempel

10. Unterschrift

Der Präsident des Landgerichts

In Vertretung



(Mehrens)

Vizepräsidentin des Landgerichts

Nummer 565 der Urkundenrolle Jahrgang 2004

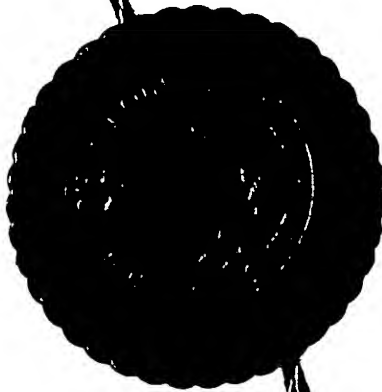
Umstehende, heute vor mir geleistete Unterschrift des mir persönlich bekannten Her-

ren
Dipl.-Physikers Thomas Becheer,
geschäftsansässig in Firma Continental Aktiengesellschaft
Vahrenwalder Str. 9, 30165 Hannover

beglaubige ich hiermit. Der Beteiligte verneinte auf Befragen eine Vorbefassung
i.S.v. § 3 II BeurhG.

Ich hatte mich auf Ersuchen in die Geschäftsräume der Continental Aktiengesell-
schaft begeben.

Hannover, den 01.10.2004




Notar

Kostenberechnung § 154 KostO

Wert: 25.000,00 €

Gebühr §§ 141, 32, 45 KostO

21,00 €

Gebühr § 58, I KostO

21,00 €

Postgeb. §§ 137, 152 KostO

0,55 €

MWSt 16 %

6,81 €

49,36 €


Notar

CERTIFICATE OF MAILING

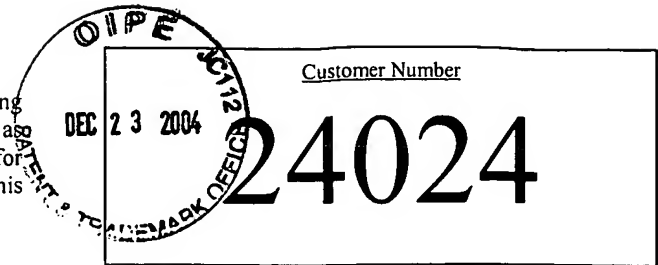
I hereby certify that this TRANSMITTAL is being deposited with the U.S. Postal Service, with sufficient postage, as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on this 20th day of December, 2004.

Typed or Printed name of person signing this certificate:

Wendy A. Frick

Signed: _____

Wendy A. Frick



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Giustino, et al.

Serial No.: 10/822,551

Filed: April 12, 2004

For: **TIRE STATUS DETECTION SYSTEM
AND METHOD**

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Examiner: Not yet assigned

Group Art Unit: 1733

Attorney Docket No.: 18894/04893

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

**DECLARATION OF SEAN T. MOORHEAD --
STATEMENT OF FACTS IN SUPPORT OF FILING
ON BEHALF OF NONSIGNING INVENTORS (37 C.F.R. § 1.47(a))**

Dear Sir:

I, Sean T. Moorhead, an attorney with Calfee, Halter & Griswold LLP, the law firm that filed and is prosecuting the above-identified application, hereby declare as follows:

1. I am over eighteen (18) years of age and am fully competent to make this declaration. This Declaration is based on my personal knowledge and on information made available to me in the performance of my responsibilities as patent counsel for Continental Tire North America, Inc. ("CTNA"). I make this Declaration in support of a response to a Notice of Missing Parts that includes a petition pursuant to 37 C.F.R. § 1.47(a) required because of the refusal of Mr. **Alan Roger Bichler** to execute an inventor's declaration in connection with this case.
2. **Alan Roger Bichler** is a named inventor of the above-identified patent application.

3. Upon information and belief, Mr. Bichler was presented with and has refused to execute Formal Papers for the above-identified patent application, as set forth below in more detail.
4. Upon information and belief, on or about September 8, 2004, Ms. Marian Strosaker (the law office administrator in the Law Department of CTNA) mailed to Mr. Bicher, via regular U.S. mail addressed to Mr. Bichler's last known address, a Declaration and Power of Attorney and an Assignment ("Formal Papers") prepared by Calfee, Halter & Griswold LLP in connection with the above-identified patent application. See the Declaration of Marian Strosaker -- Statement of Facts in Support of Filing on Behalf of Nonsigning Inventors (37 C.F.R. § 1.47(a)), filed herewith.
5. Upon information and belief, Ms. Strosaker addressed the Formal Papers to Mr. Bichler's last known residence address of 3324 Mountainbrook Road, Charlotte, North Carolina 28210. Id.
6. On or about October 12, 2004, I received an e-mail from Ms. Strosaker indicating that Mr. Bichler had not responded to my letter transmitting the Formal Papers to him.
7. In October and November, 2004, I had telephone discussions with, and exchanged voice mail messages with Messrs. James M. Giustino and Robert Yen Liu, other named inventors of the above-identified patent application, in which they indicated to me that Mr. Bichler had indeed told them that Mr. Bichler would not execute the Formal Papers for the above-identified patent application.
8. On or about November 17-18, 2004, I spoke with Mr. Bichler via telephone about the Formal Papers for the above-identified patent application and Mr. Bichler expressly stated to me that he would not execute the Formal Papers for the above-identified patent application.
9. Upon information and belief, CTNA and Mr. Bichler have reached an agreement in principle to resolve the dispute between them; however, upon information and belief, this agreement in principle will not be embodied in a formal, mutually acceptable written agreement until some time in 2005, which is after the imminent

expiration of the statutory period for responding to the present Notice of Missing Parts.

10. **Inventor's Reasons for Refusal:** During the telephone call with Mr. Bichler on or about November 17-18, 2004, Mr. Bichler indicated to me that he was refusing to sign the Formal Papers because CTNA had terminated his employment.
11. **Last Known Address of the Nonsigning Inventor:** Upon information and belief, Mr. Bichler's last known residence address is Alan Roger Bichler, 3324 Mountainbrook Road, Charlotte, North Carolina 28210.
12. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date: 12/20/2004

By: Sean T. Moorhead
Sean T. Moorhead, Reg. No. 38,564
(216) 622-8844
smoorhead@calfee.com

CERTIFICATE OF MAILING

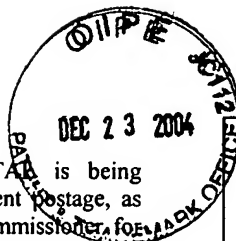
I hereby certify that this TRANSMITTAL is being deposited with the U.S. Postal Service, with sufficient postage, as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on this 20th day of December, 2004.

Typed or Printed name of person signing this certificate:

Wendy A. Frick

Signed: _____

Wendy A. Frick



Customer Number

24024

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Giustino, et al.

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For: **TIRE STATUS DETECTION SYSTEM
AND METHOD**

) Examiner: Not yet assigned

) Group Art Unit: 1733

) Attorney Docket No.: 18894/04893

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

**DECLARATION OF MARIAN STROSAKER --
STATEMENT OF FACTS IN SUPPORT OF FILING
ON BEHALF OF NONSIGNING INVENTORS (37 C.F.R. § 1.47(a))**

Dear Sir:

I, Marian Strosaker, hereby declare as follows:

1. I am over eighteen (18) years of age and am fully competent to make this declaration. This Declaration is based on my personal knowledge and on information made available to me in the performance of my responsibilities at Continental Tire North America, Inc. ("CTNA"). I make this Declaration in support of a petition concerning a Declaration and Power of Attorney and an Assignment that I sent to Mr. Alan Bichler in connection with the above-identified patent application.
2. I am the law office administrator in the Law Department of CTNA and have been in this position for about nine (9) years.
3. On or about September 8, 2004, I mailed to Mr. Bichler, via regular U.S. mail addressed to Mr. Bichler's last known address, a Declaration and Power of

Attorney and an Assignment ("Formal Papers") prepared by outside patent counsel for CTNA in connection with the above-identified patent application.

4. Upon information and belief, I addressed the Formal Papers to Mr. Bichler's last known residence address of 3324 Mountain Brook Road, Charlotte, North Carolina 28210.
5. On or about October 12, 2004, I sent an e-mail to Sean T. Moorhead, patent counsel for CTNA, indicating that Mr. Bichler had not responded to my letter transmitting the Formal Papers to him.
6. To date, I have not received a response from Mr. Bichler to my letter transmitting the Formal Papers for this case.
7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

By: Marian Strosaker
MARIAN STROSAKER
December 16, 2004